



DEPARTMENT OF THE ARMY
Headquarters, 14th Combat Engineer Battalion (Corps) (Wheeled)
Fort Lewis, Washington 98433

AFZH-CEF

29 June 2004

MEMORANDUM FOR Rugged Battalion Troopers

SUBJECT: Rugged Policy Letter #10 (Commander's Policy on Domestic Abuse)

1. There is zero tolerance for domestic abuse in the Rugged Battalion. Domestic violence can seriously damage the fabric of our community and degrade the fighting force of the battalion.
2. The total solution has two components - prevention and actions after the fact. Leaders at all levels must be aware of the indicators and proactively work to inform the chain of command about potential problem. The chain of command must then bring appropriate resources together to determine a noble solution.
3. Once an incident occurs, domestic abuse cases are typically complicated and difficult to manage. Company commanders will become actively involved, execute mandatory actions expeditiously, and remain involved until the situation is resolved.
4. Enclosure 1 lists definitions of key terms. Enclosure 2 sets mandatory actions for soldiers who commit domestic abuse, while enclosure 3 contains a checklist to track the mandatory actions. Enclosure 4 contains optional actions that company commanders may initiate on a case-by-case basis, depending upon the nature and seriousness of the offense, as well as the particular needs of the offender.
5. Any deviation from this policy requires my approval.

RUGGED!

MICHAEL W. BROBECK
LTC, EN
Commanding

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SUBJECT: Policy Letter #10, Commander's Policy on Domestic Abuse - Enclosure 1

DEFINITIONS

1. **DOMESTIC ABUSE:** Any verbal or physical abuse, intended or otherwise, that causes or perceives to cause physical or emotional harm to family members. See child abuse and spouse abuse.
2. **CHILD:** An unmarried child, whether natural, adopted, foster, stepchild, or ward of a military member from whom medical treatment is authorized, where the victim of abuse is under the age of 18 years or incapable of self-support because of mental or physical incapacity.
3. **CHILD ABUSE:** Child abuse includes child sexual abuse and child neglect and means the physical injury, sexual maltreatment, emotional maltreatment, deprivation of necessities, or other maltreatment of a child by a parent, guardian, or any other person who is responsible for the child's welfare on a temporary or permanent basis.
4. **SPOUSE ABUSE:** An assault, a battery, a threat to injury or kill, any other unlawful act of force or violence, or emotional maltreatment inflicted by one spouse in a marriage against the other. Emotional maltreatment is conduct which, although not criminal, is so offensive to the victimized spouse that a reasonable person would find such conduct abhorrent within a marital relationship.

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SUBJECT: Policy Letter #10, Commander's Policy on Domestic Abuse - Enclosure 2

MANDATORY ACTIONS FOR DOMESTIC ABUSE CASES

1. Company commander will notify the Battalion Commander within 24 hours after a domestic abuse incident has been reported.
2. Once a company is advised that a soldier is apprehended for domestic abuse, a member of the company chain of command senior to the alleged offender will personally locate and transport the soldier to the unit.
3. The soldier will be administered a command directed blood alcohol test as soon as possible to determine the presence or absence of alcohol in the alleged offender's system and to determine the need for counseling/treatment. Company personnel are responsible for escorting the soldier to the Main Lab of Madigan Hospital for the blood test. If the soldier is combative, coordinate with LEC personnel to assist in transporting the soldier.
4. The company commander will advise the soldier of the Article 31b rights and, if the soldier waives those rights, will question the soldier regarding the incident.
5. Flag: AR 600-8-2 requires that all soldiers who are under investigation for an offense be flagged.
 - a. The company commander will flag the soldier immediately upon determination that a domestic abuse offense has occurred or that an investigation is required.
 - b. The flag will not be removed until the investigation absolves the alleged offender or disciplinary action is completed, including the final filing determination of the Letter of Reprimand (LOR) and any other administrative measures imposed.
6. When it is determined by the Battalion Commander that a domestic abuse offense did occur, the following actions must be taken:
 - a. Company commanders will refer soldiers and family members involved in allegations of child or spouse abuse to Social Work Services, Madigan Hospital, 968-4159/4161 within 24 hours or the first working day following the incident, regardless of who is the perpetrator, as required by AR 608-18, paragraph 1-7b. A social work services team will make its determinations and carry out its responsibilities in accordance with AR 608-18. Commander will ensure that soldiers who have committed domestic abuse are enrolled in the various treatment programs, including the social work service program, unit chaplain counseling, and the ADAPCP program, as applicable. Commanders are responsible for their soldiers' required attendance at all counseling and treatment sessions.

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b. Letter of Reprimand (LOR): Upon determination by the Battalion Commander that a soldier has committed a domestic abuse offense, an administrative letter of reprimand will be prepared and issued to the soldier. The Battalion Commander will serve the soldier with the LOR. The chain of command will recommend the filing disposition of the LOR. It may be filed either in the local Military Personnel Records Jacket or the Official Military Personnel File. The LOR will then be forwarded through the Staff Judge Advocate for legal review.

c. Administrative Separation: All soldiers who commit two domestic abuse offenses, as determined by the Battalion Commander, and all soldiers failing to complete required treatment programs will be processed for administrative separation.

d. A bar to reenlistment will be initiated.

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SUBJECT: Policy Letter #10, Commander's Policy on Domestic Abuse - Enclosure 3

**CHECKLIST FOR PROCESSING DOMESTIC ABUSE INCIDENTS
ACTIONS REQUIRED BY COMPANY COMMANDER**

1. ☐ I have advised the soldier of his Article 31 rights and have conducted a commander's inquiry.

AND

☐ I find that the evidence, independent of official records, substantiate the fact that an incident of domestic abuse occurred.

OR

☐ There is no evidence which supports the allegation of abuse and no further action is required.
2. In cases in which the subject is military, the following mandatory actions will be completed:
 - ☐ Soldier was administered a BAT/BAC on (date) _____.
 - AND**
 - ☐ Soldier's BAT/BAC did not indicate the presence of alcohol.
 - OR**
 - ☐ Soldier's BAT/BAC did test positive for the presence of alcohol. If so, the soldier was referred to ADAPCP on (date) _____ and the initial screening is scheduled for (date) _____.
 - ☐ Soldier has been **"Flagged"** UP AR 600-8-2.
 - ☐ Family was referred to Social Work Services on (date) _____.
 - ☐ Request a letter of reprimand be initiated by the Post Legal Center and request it:
 - ☐ not be filed.
 - ☐ be filed in soldier's MPRJ for a period of ____ years.
 - ☐ be filed in soldier's OMPF.
 - ☐ Soldier has been counseled IAW paragraph 1-18, AR 635-200.
 - ☐ A bar to reenlistment was initiated on (date) _____.
 - ☐ This is the soldier's second incident of domestic abuse. I have requested to initiate separation action.
3. In cases in which the subject is a family member, the following optional actions will be initiated:
 - ☐ Family member has been warned that residing in government housing is a privilege granted by the Installation Commander and may be terminated for cause (if applicable).
 - ☐ Family member has been warned they may be issued a qualified installation bar, subject to review upon completion or when deemed appropriate under the circumstances.

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SUBJECT: Policy Letter #10, Commander's Policy on Domestic Abuse - Enclosure 4

OPTIONAL ACTIONS WHICH MAY BE TAKEN IN DOMESTIC ABUSE CASES

1. Remove the soldier from leadership position.
2. Serve soldier with a relief for cause and transfer to another unit after approval from the Battalion Commander.
3. Cancel/remove/suspend all military educational commitments (to facilitate discharge).
4. Recommend suspension of security clearance. (AR 600-37, paragraph 4-3)
5. Article 15/Court Martial.
6. Suspend privileges.
7. Remove from government housing. Upon the commission the first domestic abuse offense, soldiers may be directed to show cause for the continued privilege of residing in government quarters. Battalion Commander may forward the appropriate documentation to the Installation Commander so that the show cause authority may be initiated.
8. Soldiers, enlisted or officer, who are victims of domestic abuse, may be removed from the home only when the company commander determines the situation necessitates removal.
9. Civilian offenders, male or female, who are apprehended for domestic abuse may be issued a qualified installation bar, subject to review upon completion of treatment or when deemed appropriate under the circumstances.